UNITED
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General Assembly

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ORIGINAL: ENGLISH

COMMITTEE ON RELATIONS WITH THE
HOST COUNTRY

LETTER DATED 19 AUGUST 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour of addressing myself to you to request that the note verbale enclosed, sent to the United States Mission to the United Nations by the Permanent Mission of Cuba to the United Nations, on 16 August 1996, signed by the Permanent Representative of Cuba to the United Nations, be circulated as an official document of the Committee on Relations with the Host Country (see annex).

The above-mentioned note verbale refers to the item presented by Cuba in the meeting of the Committee, held on 14 May 1996.

(Signed) Bruno RODRÍGUEZ PARRILLA

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ANNEX

[Original: Spanish]

Note verbale dated 16 August 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to refer to the complaint made by Cuba at the meeting of the Committee on Relations with the Host Country held on 14 May 1996 with regard to the placement, by official order of the Mayor of New York City, of a street sign reading "Brothers to the Rescue Corner" on the north-east corner of Lexington Avenue and 38th Street, inside the security area of the Cuban Mission, in the course of an offensive ceremony slandering Cuba and its Permanent Mission which was conducted under the leadership of the senior official of the City.

In notes verbales No. 401, dated 3 May 1996, No. 411, dated 8 May 1996, No. 420, dated 14 May 1996, and No. 473, dated 8 June 1996, the Permanent Mission of Cuba to the United Nations reiterated this complaint to the United States Mission to the United Nations and to the Committee on Relations with the Host Country because, several weeks after that body met, not only had the street sign not been taken down, but a second sign had been put up on the south-west corner on 14 May, at the very time that the Committee on Relations with the Host Country was meeting to consider this matter.

On 1 August 1996, notwithstanding the repeated complaints by the Permanent Mission of Cuba to the United Nations and the many requests made to the authorities of the host country by citizens living in the vicinity of the Mission and by organizations representing various groups within American society to remove these provocative and offensive signs, the sign located on the north-east corner, inside the security area of the Permanent Mission of Cuba, was not taken down but simply moved to the north-west corner of the same intersection.

On 6 August 1996, the lack of seriousness and the inconsistency which marked the behaviour of the competent authorities of the host country was borne out when the street sign on the north-east corner was moved for the second time, to the south-east corner.

The Permanent Mission of Cuba believes that twice changing the location of the street sign formerly placed inside the security area of the Cuban diplomatic mission in no way alleviates the climate of provocation and hostility against the Cuban diplomatic mission which is being fomented by the authorities of the host country, nor does it alter their nature as expressions of political support by the official authorities of the United States for the illegal and terrorist activities of the organization known as "Brothers to the Rescue", which are in violation of international law and the laws of both the United States of America and the Republic of Cuba, as acknowledged even in the relevant documents of the United States Federal Aviation Administration (FAA).

The street signs currently located on the south-east and south-west corners are an affront and a threat to the dignity, integrity, normal functioning and security of the Permanent Mission of Cuba headquarters and to the safety, moral integrity and freedom of movement of its staff, and have already had direct consequences in this regard.

The two signs also constitute irrefutable proof of the flagrant violation by the United States Mission to the United Nations and the competent authorities of the host country of the obligations assumed by the United States of America under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the Vienna Convention on Diplomatic Relations and other binding legal instruments. These principles are set out in article 22 of the Vienna Convention on Diplomatic Relations (an instrument applicable to United Nations missions under article V, paragraph 4, of the United Nations Headquarters Agreement), paragraph 2 of which states: "The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."

As the placement of these street signs is an official act by an official authority of the United States, the constitutional right to freedom of expression cannot be invoked.

The Government of the United States of America is responsible for the conduct and actions of its local authorities in so far as the legal obligations of the United States as host country to the United Nations are concerned.

The Permanent Mission of Cuba to the United Nations totally rejects the surprising interpretation contained in the note verbale dated 8 August 1996 from the United States Mission to the United Nations, which considers the matter to be closed.

The Permanent Mission of Cuba to the United Nations once again denounces these acts and strongly demands that these offensive and provocative street signs be removed, thereby reaffirming the contents of its previous notes on this matter.

The consequences that have ensued or may ensue from the decision of the New York City authorities to encourage the activities of terrorist organizations that act against Cuba, its Permanent Mission to the United Nations and the normal functioning of the Organization are and will continue to be the total and sole responsibility of the United States of America.

The Permanent Mission of Cuba to the United Nations takes this opportunity to convey to the United States Mission to the United Nations the renewed assurances of its highest consideration.

UNITED
NATIONS

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5 September 1996

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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 29 AUGUST 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour of addressing you to request that the note verbale enclosed herein (see annex) be circulated as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno RODRÍGUEZ PARRILLA

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ANNEX

[Original: Spanish]

Note verbale dated 26 August 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Mission of the United States to the United Nations and wishes to refer to the incident that took place at John F. Kennedy Airport in the terminal of the United States airline Northwest Airlines on 17 August 1996, from 12.30 to 3 p.m., when the Permanent Representative of Cuba to the United Nations, Ambassador Bruno Rodríguez Parrilla, was preparing to board flight NW0017, bound for Tokyo.

Airport officials and authorities, exerting pressure and threatening to prohibit him from boarding, repeatedly tried to open and search the Cuban Permanent Representative's luggage without offering any technical explanations whatever, despite the fact that the luggage had been scanned by the X-ray equipment and no irregularities had been found. These officials tried to justify this attempted search on the basis of general instructions issued by United States authorities. After several incidents, and after all the passengers had boarded on time, the Cuban Ambassador was allowed to board the aircraft, the flight having been detained for 35 minutes past its scheduled departure time. Officials from the United States Mission to the United Nations and the airline maintained that they were just following the security procedures established by the Federal Bureau of Investigation (FBI). Attached hereto is a factual account of the incidents (see appendix).

The repeated attempts and pressure to search the Ambassador's personal luggage manually represent a gross violation of the privileges and immunities granted to diplomatic personnel by a number of international instruments, in particular the Vienna Convention on Diplomatic Relations, the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

The most important point is that this was an attempt to enforce special, selective and discriminatory measures on a passenger merely on account of his status as a diplomat from the Republic of Cuba.

On 14 August, that is to say, three days before this incident, Mrs. Yamira Cueto, a Counsellor with the Permanent Mission of Cuba to the United Nations, in an official interview with two members of the United States Mission to the United Nations, Mr. Harry M. Allen and Mr. Russell F. Graham, advised these officials of the Cuban Permanent Representative's forthcoming trip and of reports being circulated in the United Nations about flight security measures taken by United States authorities, such as the preparation of a list of countries allegedly linked to terrorism, whose nationals would be subject to special, discriminatory and selective measures at United States airports. At

that point, United States Mission officials were directly advised that the Permanent Representative of Cuba and the other diplomats attached to the Permanent Mission of Cuba to the United Nations would accept no violations of their privileges and immunities on that account. The United States Mission officials gave their assurances that such privileges and immunities would continue to be respected and that no problem whatsoever would arise in the course of the Cuban Permanent Representative's announced trip.

Three days after this meeting, attempts were made to subject the Permanent Representative of Cuba to an unacceptable procedure. As shown by the attached photocopy, as soon as he had checked in with his ticket and luggage and had produced his passport, his boarding pass was crudely marked and, from that point on, attempts were made to impose the procedure described above.

The Permanent Mission of Cuba to the United Nations expresses its strong protest and will continue, as always, to insist on the observance of the privileges and immunities of its diplomats.

The Permanent Mission of Cuba to the United Nations calls for the immediate elimination of any special, discriminatory or selective procedures as regards boarding routines for Cuban diplomats and deems it a responsibility of the Government of the United States of America, as host country of the United Nations, to comply with its legal obligations, in particular those relating to the recognition and observance, throughout its territory and by all its federal and local institutions, of the diplomatic privileges and immunities granted to diplomatic officials and representatives of Member States pursuant to the Vienna Convention on Diplomatic Relations, the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

The Permanent Mission of Cuba to the United Nations takes this opportunity to convey to the Mission of the United States to the United Nations the renewed assurances of its highest consideration.

APPENDIX

Factual account of the incidents

The Permanent Representative of Cuba followed the usual routine for checking in with his ticket and luggage at the airline counter at 12.30 p.m. and, as he entered the gate area at 1.20 p.m., the security officer at the entrance to that area called him over and took his boarding pass, handing it to another officer in the hand luggage inspection area who, after an unnecessary delay, kept the boarding pass and accompanied the carry-on luggage as it went through the scanning equipment. Then, without giving any explanation whatever, he told the Permanent Representative of Cuba that he had instructions to search his hand luggage manually. In reply, the Permanent Representative said that, since there was no justification for such a search, he would avail himself of the immunities and privileges granted to him by the Vienna Convention on Diplomatic Relations and the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, and he would not permit a manual search of his hand luggage or of the papers in it.

The officer then told the Permanent Representative of Cuba that he would accompany him personally to Gate 20 for his flight, and he did so, retaining the boarding pass the whole time.

At 1.35 p.m., when they had arrived at the waiting area for Gate 20, the security officer told the Permanent Representative of Cuba that he would seek advice on what to do in this case. At 1.45 p.m., the officer told the Permanent Representative of Cuba that the latter must return to the carry-on luggage inspection area for the luggage to be searched manually. The Cuban Permanent Representative replied that the luggage had already gone through the hand luggage inspection area and had been X-rayed, and that he would insist on making use of his diplomatic privileges and immunities. The officer, in a disrespectful tone of voice, tried to make the Permanent Representative leave the Gate 20 waiting area, but the latter categorically refused to do so.

At 1.55 p.m., another airport security officer approached the Permanent Representative and asked to see his passport, which the latter naturally handed to him.

At 2 p.m., the Permanent Mission of Cuba to the United Nations notified the Mission of the United States to the United Nations by telephone about the incident under way. At 2.09 p.m., the Deputy Permanent Representative of Cuba to the United Nations, Ambassador Pedro Núñez Mosquera, spoke personally with an official of the United States Mission to the United Nations, Ms. Maureen E. Guiney. He described the situation to her and requested an immediate solution.

At 2.05 p.m., when all the passengers had boarded the plane, the Permanent Representative of Cuba was asked to remain in the waiting area.

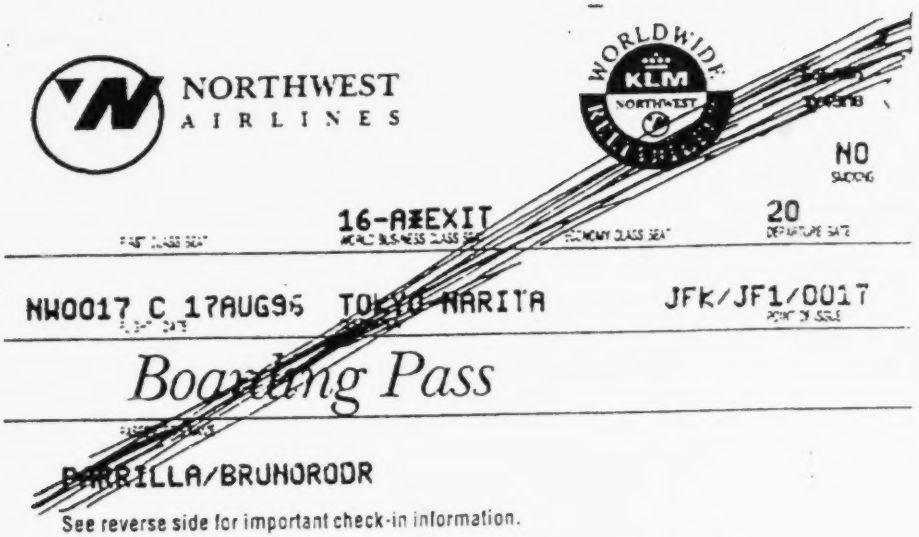
At 2.45 p.m., the Northwest Airlines official responsible for the flight departure asked the Permanent Representative of Cuba to allow his carry-on

luggage to be scanned again. He agreed to this, again accompanying his luggage to the inspection area. After twice X-raying the luggage, the security officers insisted on searching it manually, and again, the Permanent Representative of Cuba refused to agree to this.

At 2.55 p.m., the Permanent Representative of Cuba was asked for his passport and the official identification card provided by the State Department.

At 3 p.m., the boarding pass and identification papers of the Permanent Representative of Cuba were returned to him, and he was allowed to board the aircraft, which had been detained - obviously because of this incident - for 35 minutes past its scheduled departure time. As he boarded, a representative of the airline apologized to him, saying that these instructions had been issued by the Federal Bureau of Investigation (FBI) and had nothing to do with the airline.

At 3.05 p.m., Ms. Maureen E. Guiney, the above-mentioned official of the United States Mission to the United Nations, called the Deputy Permanent Representative of Cuba, Ambassador Pedro Núñez Mosquera, to inform him that the incident had been resolved.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